



## KENTUCKY BOARD OF EDUCATION

### BOARD NOTES

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#### Volume 15, No. 1 Report of the February 7-8, 2007, Regular Meeting

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#### ***FINAL CHANGES TO 703 KAR 5:020, THE FORMULA FOR DETERMINING SCHOOL ACCOUNTABILITY APPROVED***

At its February 7-8 meeting, the Kentucky Board of Education gave consideration to input from the January 25 public hearing and to written comments received through January 31 on 703 KAR 5:020, The Formula for Determining School Accountability. As a result of the additional input, the following substantive changes occurred:

- On part 4, line 20, the words “in grades 4, 5, 6, 7, 8, 10, 11 and 12” were inserted after the word “areas”. On page 4, line 21, the words in grades 4, 5, 7, 8, 10, 11, and 12 were deleted.

Rationale: These changes correct a missing grade in the series by adding grade 6 to the list of grades where the scores derived from the Kentucky Core Content Test shall be based on a scoring method that assigns 50% of the weight of the scores from open-response items and 50% of the weight from multiple-choice items.

- On page 5, line 15, and on page 6, line 4, the words “with reporting” were inserted after the word “Beginning”.

Rationale: Adding the phrase “with reporting” specifies when the changes in the regulation regarding graduation rate and transition to adult life will be visible in data releases. Since the non-academic data is collected in October and lagged a

year in the reporting of CATS and NCLB results, the addition of “with reporting” helps clarify the use of prior year data.

- On line 3, page 6, inserted the words “a system of base and bonus points. The points shall be” after the word “be”. On page 6, line 10, deleted the phrase “divided by twice the number of graduates”. On page 7, lines 2 and 3, inserted “Bonus and base points shall be divided by twice the number of graduates” before the word “and”.

Rationale: These changes related to the calculation of transition to adult life data add an introductory statement highlighting that the calculation is a system of base and bonus points and clarify that bonus and base points are “divided by twice the number of graduates” by moving the phrase from subsection 7 to subsection 9. The division of base and bonus points by twice the number of graduates occurs because every student may contribute two times to the calculation, once with base points and once with bonus points.

- On page 10, line 8, inserted “as follows” after the word “scores”. After that new language, inserted the following chart:

<b><u>PLAN</u></b> <b><u>Ranges</u></b>	<b><u>0-3</u></b>	<b><u>4-6</u></b>	<b><u>7-9</u></b>	<b><u>10-12</u></b>	<b><u>13-15</u></b>	<b><u>16-17</u></b>	<b><u>18-24</u></b>	<b><u>25-32</u></b>
<b><u>ACT Ranges</u></b>	<b><u>0-3</u></b>	<b><u>4-7</u></b>	<b><u>8-11</u></b>	<b><u>12-14</u></b>	<b><u>15-17</u></b>	<b><u>18-20</u></b>	<b><u>21-27</u></b>	<b><u>28-36</u></b>
<b><u>Weight</u></b>	<b><u>0</u></b>	<b><u>13</u></b>	<b><u>26</u></b>	<b><u>40</u></b>	<b><u>60</u></b>	<b><u>80</u></b>	<b><u>100</u></b>	<b><u>140</u></b>

Also, on page 10, deleted lines 7-12 in their entirety.

Rationale: The addition of the chart provides schools and districts with the method to calculate an ACT index by valuing performance on PLAN at grade 10 and the ACT at grade 11. The chart lists the ranges of scores for both assessments based on ACT benchmarks and the associated weights or values that performance in each range will contribute to an ACT index.

The regulation, as amended in February, will now proceed through the legislative committee review process.

Questions on 703 KAR 5:020 can be directed to Pam Rogers or Rhonda Sims at (502) 564-2256 or via email at [Pamela.Rogers@education.ky.gov](mailto:Pamela.Rogers@education.ky.gov) or [Rhonda.Sims@education.ky.gov](mailto:Rhonda.Sims@education.ky.gov).

### ***701 KAR 5:110, USE OF LOCAL MONIES TO REDUCE UNMET TECHNOLOGY NEED GIVEN FINAL APPROVAL***

Final approval of 701 KAR 5:110, Use of Local Monies to Reduce Unmet Technology Need and the KETS Master Plan (2007-2012) were given final approval in February. The new master plan highlights the integration of instruction with educational technology

to transform the way curriculum is taught and provides students with ready access to technology, both inside and outside of the classroom. The plan includes four areas of emphasis as follows:

- Anytime, Anywhere, Always Focusing on Differentiated Teaching and Learning
- Data Driven Decision Making for Teachers and Administrators
- Capacity Building and Enhancement of Staff and Resources
- Efficiency and Governance

More than any other prior master plan, this design received input from focus groups, including students, university admissions staff, district teachers and leaders, technology resource teachers, state agency leadership and the business community.

The regulation and the master plan will now proceed to a public hearing on March 22 before going through the legislative committee review process.

For questions on 701 KAR 5:110 or the KETS Master Plan, contact David Couch at (502) 564-2020 or via email at [David.Couch@education.ky.gov](mailto:David.Couch@education.ky.gov).

### ***BOARD REAFFIRMS SUPPORT OF RESOLUTION ON SYMBOLS/MASCOTS***

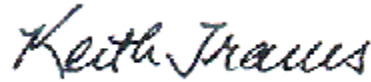
As part of the February meeting, the Kentucky Board of Education reaffirmed its support for the following resolution on symbols/mascots:

### ***RESOLUTION ON SCHOOL SYMBOLS/MASCOTS BY THE KENTUCKY BOARD OF EDUCATION***

- WHEREAS,***           The Kentucky Board of Education believes in the worth and dignity of all peoples;
- WHEREAS,***           Schools and school districts should set an example and provide leadership in their communities in supporting and furthering human rights;
- WHEREAS,***           Schools should be places where all students feel welcomed;
- WHEREAS,***           Mascots, nicknames and other school symbols should represent the highest ideals of human dignity and help all students feel welcome and included in the life of the school;

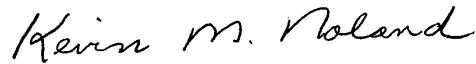
**NOW, THEREFORE,** be it resolved that the Kentucky Board of Education urges all schools to review the appropriateness of their symbols and mascots and recommends that all schools and school districts abandon the use of symbols and mascots that are offensive to any group of people.

**REAFFIRMED AT THE KENTUCKY  
BOARD OF EDUCATION MEETING,  
in the city of Frankfort, this eighth day of  
February, in the year Two Thousand and  
Seven.**



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Keith Travis, Chair  
Kentucky Board of Education



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Kevin M. Noland, Interim Commissioner  
Kentucky Department of Education

The resolution has been sent to all school districts.

For more information on this topic, contact Mary Ann Miller at (502) 564-3141 or via email at [MaryAnn.Miller@education.ky.gov](mailto:MaryAnn.Miller@education.ky.gov).

***707 KAR 1:280-380, REVISIONS OF THE KENTUCKY ADMINISTRATIVE  
REGULATIONS FOR SPECIAL EDUCATION PROGRAMS REVIEWED***

As part of its February meeting, the Kentucky Board of Education reviewed proposed changes to its series of special education regulations. Since Congress passed amendments to the Individuals with Disabilities Education Act in 2004 and the United States Department of Education issued its final regulations in August 2006, Kentucky must amend its state special education regulations in order to comply with the new federal law and conform to new federal regulations.

The recommended changes from Department staff are based on extensive input from constituent groups. A summary of the major changes is as follows:

**Summary of Major Changes to  
707 KAR Chapter 1 to conform to  
the Individuals with Disabilities Education Act (IDEA)**

***707 KAR 1:280. Definitions***

1. Added definitions of:
  - “change of placement because of disciplinary removals” and “serious bodily injury” based on federal law in the area of discipline;
  - “core academic subjects”, “course of study”, “high school diploma” and “postsecondary goals” based on federal law in the area of transition services;
  - “functional” based on federal law in the area of individual education programs (IEPs),
  - “interpreting services” based on federal law in the area of related services; and
  - “services plan” based on federal law in the area of services to students in private schools.
2. Made changes to
  - “assistive technology device”, “parent”, “related services”, and “specific learning disability” to conform to federal law: and
  - “hearing impairment” based on input from the field asking for clarification.

***707 KAR 1:290. Free, Appropriate Public Education***

1. Section 1, added language to clarify which students must receive a free appropriate public education (FAPE) based on changes in federal law.
2. Added a new Section 9 to prohibit local education agency (LEA) personnel from requiring parents to place students on medication as a condition of attendance in school or special education services based on federal law.
3. Added a new Section 10 regarding records of students who are migratory based on federal law.

***707 KAR 1:300. Child find, evaluation, and reevaluation***

1. Section 1, added new language to clarify responsibility for students placed in private schools by their parents based on federal law.
2. Added a new Section 2 to allow LEAs to conduct early intervening services for students prior to a referral for special education based on federal law.
3. Section 3, added language to prevent inappropriate over identification or disproportionate representation by race or ethnicity in special education and to explain early intervening services prior to a referral to special education based on federal law.
4. Section 4, added language to clarify evaluation and reevaluation processes based on federal law.

***707 KAR 1:310. Determination of eligibility***

1. Section 1, added language to clarify what types of information should be considered in making eligibility determinations based on federal law.
2. Section 2, added language that resulted in substantial changes to the criteria and method used to determine a specific learning disability based on federal law.

***707 KAR 1:320. Individual education program***

1. Section 2, added language based on federal law to state that minor non-programmatic changes may be made to an IEP without convening another admissions and release committee (ARC) meeting.
2. Section 2, added language based on federal law to clarify when the 60 school day timeline runs.
3. Section 3, added language based on federal law to clarify Admissions and Release Committee (ARC) membership for specific purposes such as transition from early intervention programs and for students who have a specific learning disability. (It was indicated that there will be further revisions to this language in April.)
4. Section 5, made some minor changes based on federal law to the IEP itself, such as benchmarks and short-term objectives being optional depending on LEA procedures.
5. Added a new Section 6 based on federal law to clarify processes to follow for transfer students to ensure smooth transitions.
6. Section 7, added language based on federal law concerning transition services to postsecondary life.

***707 KAR 1:330. Comprehensive system of personnel development***

Deleted entire regulation, as it no longer is addressed in federal law.

***707 KAR 1:340. Procedural safeguards and state complaint procedures***

1. Section 1, added language based on federal law to clarify how to convene an ARC meeting if the parent does not want to attend.
2. Section 5, added language based on federal law on obtaining parental consent and procedures to follow if the parent refuses to give consent for evaluations or services.
3. Section 6, added language based on federal law to clarify who can represent a child in this process if the biological or adoptive parent is not available.
4. Added a new Section 10 as allowed under federal law on dispute resolution meetings as an option for parents and LEAs to resolve disputes prior to requesting a due process hearing.
5. Section 13, made significant changes based on federal law to procedures for disciplinary actions.
6. Section 14, made significant changes based on federal law to the process to make manifestation determination decisions prior to disciplinary actions.

7. Added a new Section 15 based on federal law to explain parents' options if they disagree with disciplinary decisions.

***707 KAR 1:350. Placement decisions***

No significant changes were made.

***707 KAR 1:360. Confidentiality of information***

No significant changes were made.

***707 KAR 1:370. Children with disabilities enrolled in private schools***

1. Section 2, based on federal law changed the district that is responsible for students in private schools from the district where the child lives to the district where the private school is located.
2. Added a new Section 3 based on federal law on parental consent.
3. Added a new Section 4 based on federal law on the LEA's responsibility to provide services to students in private schools.
4. Added a new Section 5 based on federal law on how the LEA must consult with private schools in making decisions on services to provide.
5. Section 8, added language based on federal law to clarify what due process procedures are available if disputes with private school students arise.

***707 KAR 1:380. Monitoring and recovery of funds***

No significant changes were made.

These regulations will come back to the Board for final approval at its April 4-5 meeting.

For more information on the revisions to the special education regulations, contact Barb Kibler or Johnnie Grissom or Larry Taylor at (502) 564-4970 or via email at [Barbara.Kibler@education.ky.gov](mailto:Barbara.Kibler@education.ky.gov) or [Johnnie.Grissom@education.ky.gov](mailto:Johnnie.Grissom@education.ky.gov) or [Larry.Taylor@education.ky.gov](mailto:Larry.Taylor@education.ky.gov).

***DROPOUT PREVENTION AND PERSISTENCE TO GRADUATION DISCUSSED***

As follow-up to discussion at its December meeting, the Kentucky Board of Education continued its exploration of dropout prevention and ways to increase students' persistence to graduation. Kentucky Department of Education staff proposed the following six strategies for the Board's consideration:

- Mandate high school graduation or equivalency as compulsory for everyone below the age of 18.
- Ensure that every student receives individualized supports and "rapid response" interventions focused on readiness for successful transition to the next level of

learning, including expanded learning time and opportunity and access to non-traditional delivery systems.

- Expand student options and non-traditional pathways to graduation, including options to recover missing credits and pathways that compress time to credential and work.
- Expand reporting requirements at the state, district and school levels to accurately reflect disaggregated graduation rate data in ways that hold the system accountable for all students.
- Engage the entire community (parents, business, community) in communicating and developing strategies for persistence to graduation.
- Expand students' access to career and technical programs of study linked to applied academic learning beginning at grade 9 or before.

After exploring these strategies with the Board, Department staff will pursue in-depth work on how to proceed and bring more definitive plans back to the members for consideration.

Also as part of this agenda item, staff from the Corbin Independent District and Paris Independent District presented their effective strategies for addressing dropout prevention. Both of these outstanding programs focused on meeting the needs of individual students.

For more information on the topic of Dropout Prevention and Persistence to Graduation, contact Linda Pittenger at (502) 564-4772 or via email at [Linda.Pittenger@education.ky.gov](mailto:Linda.Pittenger@education.ky.gov).

***PROPOSED CHANGES TO 702 KAR 7:065, DESIGNATION OF AGENT TO MANAGE HIGH SCHOOL INTERSCHOLASTIC ATHLETICS REVIEWED***

The Kentucky High School Athletic Association (KHSAA), as the Kentucky Board of Education's agent to manage high school interscholastic athletics, brought forward proposed changes to its bylaws and constitution for review in February. All of the proposed changes were brought forward for consideration with approval by the KHSAA Board of Control. A summary of the proposals is as follows:

<b>Proposal</b>	<b>Author</b>	<b>Purpose</b>
1	KHSAA Board of Control	A proposal to clarify the language regarding the requirement of being a full-time student contained in Bylaw 4.



<b>Proposal</b>	<b>Author</b>	<b>Purpose</b>
2	KHSAA Board of Control	Proposed by the Board of Control at the request of selected members of the 2005-2006 Task Force on Interscholastic issues. An amendment to Bylaw 4 to require each member school to have a defined athletic territory composed of students from feeder schools with defined restrictions and exceptions. Effective with the 7 <sup>th</sup> grade class of 2008-2009.
5	Jim Sexton, Eastern HS	An amendment to Bylaw 8 to specify that if a student participates on a school team, the student may not also compete during that sports season on an outside team in the same sport. This provision would apply to baseball, basketball, football, soccer, softball and volleyball.
6	KHSAA Board of Control	An amendment to Bylaw 9 to specify that ineligible students may not be used in any school-based or school-funded competition during the period of ineligibility. Previously, competition was only specifically prohibited by ineligible students during the school year, but this change will ensure that school funding and resources are not expended for ineligible students.
7	KHSAA Board of Control	A technical amendment to Bylaw 10 to remove actions by school personnel dealing solely with already enrolled students from the restricted activities. Previously, there were specific restrictions precluding a school representative from addressing members of his/her own school about remaining at that school.
9	KHSAA Board of Control	A technical amendment to Bylaw 17 to take compliance provisions and assurances from the membership application to the body of Bylaw 17. This change compels member schools to comply with Board of Control mandated programs such as Title IX reporting and Sports Medicine initiatives even if they previously did not have bylaw coverage.
10	KHSAA Board of Control	An amendment to Bylaw 25 to revise the manner in which contests/games are counted in baseball and eliminate the confusing language regarding double and single elimination tournaments. The net effect (maximum games) under this proposal would not differ from current wording.

<b>Proposal</b>	<b>Author</b>	<b>Purpose</b>
12	KHSAA Board of Control	An amendment to Bylaw 25 to revise the manner in which contests/games are counted in fast pitch softball and eliminate the confusing language regarding double and single elimination tournaments. The net effect (maximum games) under this proposal would not differ from current wording.
13	Gale Travis, Madisonville North Hopkins High School	An amendment to Bylaw 25, to combine the limitations contained in Indoor and Outdoor Track Seasons into one rule.
14	KHSAA Board of Control	A technical amendment to Bylaw 25 to take the National Federation Stunt Limit Restrictions and codify them into the Bylaw. These restrictions have been contained in the insurance provisions and Board of Control policies and this amendment shifts them to the Bylaws for clarity and emphasis.
15	KHSAA Board of Control	An amendment to Bylaw 27 regarding coaches to maintain the pre-hire qualifications and post-hire requirements but remove the procedural hiring provisions. These procedural provisions are not under the jurisdiction of the KHSAA and have become outdated.
16	KHSAA Board of Control	An amendment to Bylaw 29 to add swimming to the list of sports in which licensed officials must be used.
17	Phil Rison, Montgomery County High School	An amendment to Bylaw 33 to clarify the appropriateness (or lack thereof) of fines for certain offenses, and reiterate the option of using additional provisions already contained in the regulations.
18	KHSAA Board of Control	A technical amendment to the Constitution to reduce the number of mandatory Board of Control meetings from six (6) to four (4). While this change may have little impact under the current structure, this proposal would allow alternative planning should the size of the Board of Control ever be revised.
19	KHSAA Board of Control	An amendment to the Constitution to change the deadline date for proposed amendments to the Constitution and Bylaws to May 1 to allow for distribution, review, discussion and debate among all related constituencies prior to the Annual Meeting.

<b>Proposal</b>	<b>Author</b>	<b>Purpose</b>
20	Arthur Ballard, Estill County High School	An amendment to the KHSAA Constitution to compel the publishing of the agenda and detailed minutes of the Board of Control in a timely manner for the membership to view via the KHSAA web site.

<b>Referendum</b>	<b>Author</b>	<b>Purpose</b>
1	KHSAA Board of Control on behalf of the Task Force on Interscholastic Athletics	A proposal to codify the restrictions on need based financial aid. These restrictions have previously been contained in the interpretations of KHSAA Bylaw 10 (Recruitment), but would now be listed as a new Bylaw 7. This rule makes it clear what types of aid are permissible in order to preserve interscholastic athletic eligibility. The previous Bylaw 7 will be merged with provisions within Bylaw 9.
2	KHSAA Board of Control on behalf of the Task Force on Interscholastic Athletics	A proposal to amend Bylaw 6 to apply the period of ineligibility following transfer (one year) to students who have played for a high school while enrolled below grade nine and then enter a different school upon entry into the 9 <sup>th</sup> grade without meeting defined Bylaw 6 exceptions. This proposal addresses concerns about student-athletes “playing up” to the high school level and then not enrolling in that high school in the 9 <sup>th</sup> grade, an issue that has caused considerable discussion within the membership of the association.

Proposal 2, that would require each member school to have a defined athletic territory composed of students from feeder schools with defined restrictions and exceptions, received the most discussion due to input received from various constituents. Several speakers, both pro and con, addressed the Board’s Management Committee on Proposal 2.

Final action on the proposed bylaw and constitution changes will occur at the April 4-5, 2007, meeting.

For more information on this topic, contact Michael Dailey at (502) 564-1479 or via email at [Michael.Dailey@education.ky.gov](mailto:Michael.Dailey@education.ky.gov).

***OTHER ITEMS REVIEWED BY THE BOARD IN FEBRUARY WITH NO ACTION TAKEN WERE:***

- Update on Mathematics Initiatives, Jefferson County's GE Foundation College Bound District Program and Mathematics Intervention Models Funded through the Mathematics Achievement Fund
- Report on Academic Performance for A5 and A6 programs
- Annual Report of the Kentucky Educational Collaborative for State Agency Children
- KDE Employment Report

***OTHER ITEMS THAT WERE APPROVED IN FEBRUARY WERE:***

- Minutes from the December 6-7, 2006 and January 10, 2007, regular KBE meetings
- Recommendation of school council authority status for Holmes Junior/Senior High School (Covington Independent) and Iroquois Middle School (Jefferson County)
- District facility plans for Breathitt, Edmonson, Mason and Nicholas County School Districts and the Jackson Independent School District
- District facility plan amendment for the Ohio County School District
- 2006-2007 Local District Working Budgets
- 2006-2007 Local District Tax Rates Levied
- Request for waiver of foreign language requirement in 704 KAR 3:340, Commonwealth Diploma from the McCracken County School District
- Denied Anderson County School District's request for waiver of 702 KAR 4:170, Part 2.a.11
- Denied Waiver Request of 704 KAR 3:305, Minimum High School Graduation Requirements from the Franklin County School District
- Denied Request to waive the 300-student minimum enrollment required by 702 KAR 1:001 for a new Fancy Farm Elementary School in Graves County

***BOARD MEETING DATES FOR 2007 AND 2008***

**KBE MEETING DATES 2007**

<b><u>2007</u></b>	<b><u>Type of Meeting</u></b>	<b><u>Location</u></b>
March 7, 2007	Regular meeting	Carter Caves State Park
April 4-5, 2007	Regular meeting	Frankfort
May 9-10, 2007	KBE retreat/strategic plan discussion	Available hotel, Bowling Green or Barren River State Park
June 13-14, 2007	Regular meeting	Frankfort
July 11, 2007	Regular meeting	Frankfort
August 8-9, 2007	Regular meeting	Frankfort
September 5, 2007	Regular meeting	Available hotel, Louisville
October 3-4, 2007	Regular meeting	Frankfort

November 14, 2007	Regular meeting	Available hotel, Florence
December 6-7, 2007	Regular meeting	Frankfort

#### KBE MEETING DATES 2008

<b><u>2008</u></b>	<b><u>Type of Meeting</u></b>	<b><u>Location</u></b>
January 9, 2008	Regular meeting	Frankfort
February 6-7, 2008	Regular meeting	Frankfort
March 5, 2008	Regular meeting	Available hotel, Richmond
April 2-3, 2008	Regular meeting	Frankfort
May 7-8, 2008	KBE retreat/strategic plan discussion	Kentucky Dam Village State Park, Gilbertsville or Lake Barkley Lodge
June 11-12, 2008	Regular meeting	Frankfort
July 9, 2008	Regular meeting	Frankfort
August 6-7, 2008	Regular meeting	Frankfort
September 10, 2008	Regular meeting	Cumberland Falls State Park, Corbin
October 1-2, 2008	Regular meeting	Frankfort
November 5, 2008	Regular meeting	Rough River State Park, Falls of Rough
December 10-11, 2008	Regular meeting	Frankfort

For questions on the above schedule, contact Mary Ann Miller or Susan Palmer at 502-564-3141 or via email at [MaryAnn.Miller@education.ky.gov](mailto:MaryAnn.Miller@education.ky.gov) or [Susan.Palmer@education.ky.gov](mailto:Susan.Palmer@education.ky.gov).

*The actions described above were taken in open session of the Kentucky Board of Education at the February 7-8, 2007, regular meeting conducted in the State Board Room, Capital Plaza Tower, 1<sup>st</sup> Floor, Frankfort, Kentucky. This information is provided in summary form, and an official record of the meeting is available on tape in the permanent records of the Kentucky Board of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601. These records are open for inspection Monday through Friday, 8:00 a.m. - 4:30 p.m.*

*For additional information about the Kentucky Board of Education meetings, agendas, minutes or special accommodations needed for attending meetings, contact Mary Ann Miller, Policy Advisor at (502) 564-3141.*

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